IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 57 OF 2007
IN
WRIT PETITION NO. 1315 OF 2006

1. The President, Co-ordination School Committee & Anr.] .. Appellants (Ori.Petitioners)

Versus

1. Ms. Alka d/o Hari Sarate & 2 ors.] .. Respondents (Ori.Respondents)

Mr. S.D. Thokade for the appellants.

Mr. Dinesh Bhosale for the respondent No.1.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 26TH MARCH, 2007

P.C. :

. Heard.

2. This LPA is directed against the orders passed by this Court on 16th November, 2006 in Writ Petition No.1315 of 2006. By the said order, the Single Judge admitted the Petition and continued the order passed by the School Tribunal on 17th August, 2005 which was confirmed on 24th January, 2006. The School Tribunal, after hearing the parties have set aside the order of termination and granted reinstatement in favour of the

respondent. The attempt is being made to demonstrate that initially there was a partly grantable and partly non-grantable post available and, therefore, the appointments on clock-hour basis were made. However, later on one Mr. Sanjay Kharatmal was shown to be appointed as against the post of Alka Hari Sarate. However, on perusal of the record, we find that Alka Hari Sarate and said Sanjay Kharatmal were working simultaneously in the said Institution and later on, only to circumvent the claim of Alka Sarate, the show is being made to demonstrate that Mr. Sanjay Kharatmal is being appointed as a BC candidate in her place.

3. We, *prima facie*, find as has been noticed by the School Tribunal that the full-time workload was available so as to afford it to Alka Sarate. However, to remove her from service, the various managemental tactics have been adopted by the Management. What we find is that the LPA is directed as against an interim order and, therefore, we refrain to entertain the LPA.

[R.S. MOHITE, J.] **[S.B. MHASE, J.]**